

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

The most recent Official Action maintains the rejection of independent Claim 1 based on the disclosure in *Figge* and also maintains the rejection of independent Claim 3 based on the disclosure in *Baldwin et al.* Those rejections are respectfully traversed.

With respect to the disclosure in *Figge*, the Official Action observes that the heel 15 and the side edge portions 12", 13" collectively constitute the claimed first ground facet. However, as pointed out in the prior response, the heel 15 and side edge portions 12", 13" do not form a facet and cannot reasonably be interpreted as constituting a facet. The term facet refers to a plane surface as noted on the attached excerpt from the Merriam-Webster Online Dictionary. The heel 15 and the side edge portions 12", 13" in the needle of *Figge* do not constitute a plane surface, but rather represent a twisted or curved surface as clearly illustrated in Figs. 1 and 2 of *Figge*. It is thus respectfully submitted that the anticipatory rejection based on *Figge* is not appropriate for at least this reason.

In addition, Claim 1 is amended to recite that the first ground facet is of a substantially elliptical shape. The heel 15 and the side edge portions 12", 13" of the needle disclosed in *Figge* do not form a facet which is of a substantially elliptical shape. Thus, Claim 1 is further distinguishable for this reason.

With respect to the needle disclosed in *Baldwin et al.*, the Official Action observes that the beveled front surface 12 and the beveled side face 13 constitute second and third ground facets as recited in independent Claim 3. To better

distinguish the injection needle at issue here relative to the disclosure in *Baldwin et al.*, Claim 3 is amended to recite that the needle point is located on the boundary between the second ground facet and the third facet. As is clearly evident from the illustration in Fig. 1 of *Baldwin et al.*, the needle point 14 is not located on the boundary between the front face 12 and the side face 13. Thus, Claim 3 is also patentably distinguishable over the disclosure in *Baldwin et al.*

New independent Claim 9 is similar to previous Claim 1, but is a product-by-process claim defining that the injection needle is produced by a method comprising grinding the distal end portion of a needle tube to form a first ground facet, and grinding that first ground facet to form at least second and third ground facets which provide a needle point. The claim goes on to define that a plane crossing the first ground facet perpendicular thereto and comprising a central axis of the needle tube forms a central plane, with the needle point not being present on such central plane. As discussed in § 2113 of the Manual of Patent Examining Procedure, an assessment of the patentability of a product-by-process claim requires consideration of the structure implied by the claimed process. Here, the structure implied by the process steps is one in which a facet (plane surface) is formed by grinding on the distal end of a tube, with such ground facet being ground to form two additional facets (plane surfaces). There is no disclosure of such structure in *Figge*, together with the other structure recited in Claim 9 defining that the needle point is not present on a central plane which crosses the first ground facet perpendicular thereto and comprises the central axis of the needle tube.

The dependent claims define additional distinguishing aspects of the claimed subject matter. For example, new dependent Claims 8 and 12 define that the planar

surface forming the first ground facet forms an angle α with the central axis of the needle point, the planar surface forming the second ground facet forms an angle Φ with the central axis of the needle point, and the planar surface forming the third ground facet forms an angle θ with the central axis of the needle point, wherein $\alpha < \Phi$, $\alpha < \theta$, and $\Phi \neq \theta$. This arrangement and relationship of the planar surfaces forming the ground facets is not disclosed in the applied references.

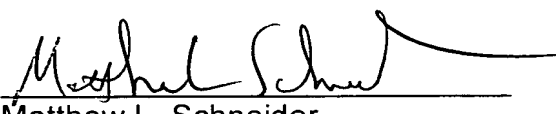
Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

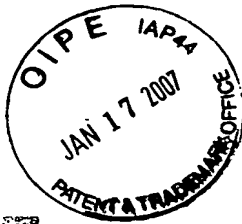
Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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Main Entry: **fac·et** ˈfæsət

Pronunciation: 'fa-s&t

Function: *noun*

Etymology: French *facette*, diminutive of *face*

- 1 : a small plane surface (as on a cut gem) -- see **BRILLIANT** illustration
 - 2 : any of the definable aspects that make up a subject (as of contemplation) or an object (as of consideration)
 - 3 : the external corneal surface of an ommatidium
 - 4 : a smooth flat circumscribed anatomical surface (as of a bone)
- **fac·et·ed** or **fac·et·ted** ˈfæsətəd/ˈfæsəttəd *adjective*

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